

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 23.6.106, pertaining to tow truck)
complaint resolution)

TO: All Concerned Persons

1. On July 31, 2008, the Department of Justice published MAR Notice No. 23-6-198, pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1531 of the 2008 Montana Administrative Register, Issue No. 14.

2. A public hearing was held on August 26, 2008.

Comment: One individual opposed the proposed rules as being unnecessary. In particular, he stated suspending tow truck operators from the state and local rotation systems for 30 days for failing to respond to a complaint within 20 days is harsh because he believes that not all tow truck operators receive copies of the complaint filed with the department.

Response: The proposed rules make certain that all tow truck operators who have complaints filed against them will receive copies of such complaints because the Office of Consumer Protection has an effective system in place to perform such a task. Since tow truck operators will receive copies of the complaints, a suspension from the rotation systems will only occur if the operator deliberately refuses or fails to respond to the department. The department believes that the sanction is a necessary incentive to ensure that all complaints are responded to and disposed of accordingly.

3. The department has amended ARM 23.6.106 as proposed.

By: /s/ Mike McGrath
MIKE McGRATH
Attorney General
Department of Justice

/s/ J. Stuart Segrest
J. STUART SEGREST
Rule Reviewer

Certified to the Secretary of State on September 15, 2008.